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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,867	11/12/2003	James McLennan	1528	6733
4518	7590	09/11/2007	EXAMINER	
ROBERT W. J. USHER			BAROT, BHARAT	
PATENT AGENT				
1133 BROADWAY, #1515			ART UNIT	
NEW YORK, NY 10010			2155	
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			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/706,867	Applicant(s) MCLENNAN ET AL.	
	Examiner Bharat N. Barot	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/29/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-33 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack (U.S. Patent No. 6,505,236) in view of Powers (U.S. Patent No. 6,438,584).

4. As to claim 1, Pollack teaches a method for directing an automatic communication to a recipient, including the steps of: providing a data store; storing data relating to the recipient in the data store; examining the data stored and determining that a communication is to be provided to the recipient; extracting data relating to the recipient from the data store in response to a determination that a communication is to

be provided to the recipient; modifying an initial communication to become a final communication; and sending the final communication to the recipient (figures 1-2; column 4 line 4 to column 7 line 17).

However, Pollack does not teach the steps of: automatically composing an initial communication in response to the data stored in the data store; and reviewing the initial communication and determining that the initial communication is to be modified to become a final communication.

Powers teaches the steps of: automatically composing an initial communication in response to the data stored in the data store; reviewing the initial communication and determining that the initial communication is to be modified to become a final communication; modifying the initial communication in response to a determination that the initial communication is to be modified to become a final communication; and sending the final communication to the recipient (see abstract; figure 1; and column 14 lines 10-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Powers stated above in the method of Pollack for directing an automatic communication to a recipient because it would have promoted efficient planning and work flow in the network and maximized the utilization of the network by limiting the sizes of the messages.

5. As to claim 2, Pollack teaches that the step of: modifying the initial communication comprises modifying the initial communication in a manner selected in response to the data extracted from the data store (figures 1-2; column 4 lines 3-39; and column 7 lines 1-6).

6. As to claim 3, Pollack teaches that the step of: modifying the initial communication comprises at least one of: deleting material from the initial communication; adding new material to the initial communication; providing material of predetermined fixed content and adding the material of predetermined fixed content to the initial communication; providing material of predetermined alterable content and adding the material of predetermined alterable content to the initial communication; and altering material already provided in the initial communication (figures 1-2; column 5 lines 17-67; and column 7 lines 6-10).

7. As to claims 4-5, Powers teaches that the steps of: providing access to a plurality of selectable media for providing the final communication to the individual; selecting, in response to the data extracted from the data store, at least one medium of the plurality of selectable media for providing the final communication to the individual; and employing said at least one medium to send the final communication, wherein the plurality of selectable media comprises facsimile transmission; telephonic text messaging; data transmission; Internet Communication; and mailing of printed letters (figure 1; and column 14 line 61 to column 15 line 11).

8. As to claims 6-7, Powers teaches that the steps of: providing access to a plurality of selectable media for providing the final communication to the individual; selecting, in response to the data stored, at least one medium of the plurality of selectable media for providing the final communication to the individual; and employing said at least one medium to send the final communication, wherein the plurality of selectable media comprises facsimile transmission; telephonic text messaging; data transmission; Internet Communication; and mailing of printed letters (figure 1; and column 14 line 61 to column 15 line 11).

9. As to claim 8, Pollack teaches that the step of: storing data relating to the recipient in a data store comprises the step of providing access to and accepting data relating to the recipient from at least one of: the Internet; a digital data transmission medium; telephonic text messages; telephonic voice messages; printed matter; data files; and record data files (figure 1; and column 5 lines 17-36).

10. As to claims 9-10, Powers teaches that the steps of: automatically composing an initial communication in response to the data stored in the data store comprises the step of providing composition text in a plurality of languages, selecting one of the languages in response to the data stored relating to the recipient and composing the initial communication in the language selected, wherein the step of modifying the initial communication comprises modifying the initial communication in a same language as a language selected for the initial communication (figure 1; and column 15 lines 3-60).

11. As to claims 11-12, Pollack teaches that the step of: automatically composing an initial communication in response to the data stored in the data store includes the step of providing a plurality of idioms for the initial communication and selecting one of the plurality of idioms for the initial communication in response to data relating to the recipient extracted from the store, wherein the step of modifying the initial communication comprises modifying the initial communication in a same idiom as an idiom selected for the initial communication (figure 1; and columns 4-5).

12. As to claims 13-14, Powers teaches that the steps of: automatically composing an initial communication in response to the data stored in the data store includes the step of providing a plurality of forms of composition suitable for use in respective individual jurisdictions; and selecting a particular jurisdiction with the respective form of composition in response to the data relating to the recipient extracted from the store; and, composing the communication in the respective form of composition, wherein the step of modifying the initial communication comprises modifying the initial communication with material suitable for use in a same jurisdiction as the initial communication (figures 1 and 4-8; columns 14-15; and column 16 lines 6-67).

13. As to claims 15-28, they are also rejected for the same reasons set forth to rejecting claims 1-14 above, since claims 15-28 are merely an apparatus for the method of operation defined in the claims 1-14.

14. As to claims 29-33, claims 29-33 do not teach or define any new limitations than above claims 1-28; therefore, they are rejected for the similar reasons.

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Additional Reference

15. The examiner as of general interest cites the following reference.
 - a. Birrell et al, U.S. Patent No. 6,009,462.

Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

August 21, 2007

Bharat Barot
BHARAT BAROT
PRIMARY EXAMINER